

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

In re: Bair Hugger Forced Air Warming
Products Liability Litigation

MDL No. 15-2666 (JNE/DTS)

This Document Relates To:

Rhoton, et al., 15-cv-4360-JNE-DTS
Heil, 16-cv-1930-JNE-DTS
Taylor, 17-cv-0199-JNE-DTS
Hylas, 17-cv-0967-JNE-DTS
Bucci, 17-cv-1073-JNE-DTS
Payton, 17-cv-1222-JNE-DTS
Prilo, 17-cv-1249-JNE-DTS
McKinney, et al., 17-cv-1503-JNE-DTS
Caruso, 17-cv-1985-JNE-DTS
Hayes, et al., 17-cv-2572-JNE-DTS
Luttrell, 17-cv-2992-JNE-DTS
Benson, 17-cv-3304-JNE-DTS
Barker, 17-cv-3806-JNE-DTS
Chapman, 17-cv-3850-JNE-DTS
Renfroe, 17-cv-3914-JNE-DTS
Ray, 17-cv-4214-JNE-DTS
Burch, 17-cv-4288-JNE-DTS
Capone, 17-cv-5274-JNE-DTS
Kappmeyer, 18-cv-00515-JNE-DTS
Syler, 18-cv-0525-JNE-DTS
Dollard, 18-cv-0776-JNE-DTS
Beard et al., 18-cv-0833-JNE-DTS
Gohl, 18-cv-1571-JNE-DTS
Sahr, 18-cv-1712-JNE-DTS
Hiser, 18-cv-2289-JNE-DTS

**DEFENDANTS' SIXTH MOTION
TO DISMISS FOR FAILURE
TO COMPLY WITH PRETRIAL
ORDER NO. 23 AND/OR
FED. R. CIV. P. 25(a) AND 41(b)**

Pursuant to Pretrial Order No. 23 and Federal Rules of Procedure 25(a) and 41(b), Defendants 3M Company (“3M”) and Arizant Healthcare Inc. (“Arizant”) (collectively, “Defendants”) respectfully move the Court to dismiss the following actions with prejudice for failure to comply with Pretrial Order No. 23 and Fed. R. Civ. P. 25(a) and 41(b):

Case Number	Title	Firm Name
15-cv-4360-JNE-DTS	<i>Rhoton et al. v. 3M Co., et al.</i>	Pittman, Dutton & Hellums, P.C
16-cv-1930-JNE-DTS	<i>Heil v. 3M Co., et al.</i>	Kirtland and Packard LLP
17-cv-0199-JNE-DTS	<i>Taylor v. 3M Co., et al.</i>	Bernstein Liebhard LLP
17-cv-0967-JNE-DTS	<i>Hylas v. 3M Co., et al.</i>	Bailey Peavy Bailey Cowan Heckaman, PLLC
17-cv-1073-JNE-DTS	<i>Bucci v. 3M Co., et al.</i>	Schlichter Bogard & Denton, LLP
17-cv-1222-JNE-DTS	<i>Payton v. 3M Co., et al.</i>	Levin, Papantonio, Thomas, Mitchell, Rafferty & Proctor, PA
17-cv-1249-JNE-DTS	<i>Prilo v. 3M Co., et al.</i>	Levin, Papantonio, Thomas, Mitchell, Rafferty & Proctor, PA
17-cv-1503-JNE-DTS	<i>McKinney et al. v. 3M Co., et al.</i>	Brown and Crouppen, P.C.
17-cv-1985-JNE-DTS	<i>Caruso v. 3M Co., et al.</i>	Kennedy Hodges, LLP
17-cv-2572-JNE-DTS	<i>Hayes et al. v. 3M Co., et al.</i>	Brown & Crouppen, P.C.
17-cv-2992-JNE-DTS	<i>Luttrell v. 3M Co., et al.</i>	Kennedy Hodges, LLP
17-cv-3304-JNE-DTS	<i>Benson v. 3M Co., et al.</i>	Brown & Crouppen, P.C.
17-cv-3806-JNE-DTS	<i>Barker v. 3M Co., et al.</i>	Kennedy Hodges, LLP
17-cv-3850-JNE-DTS	<i>Chapman v. 3M Co., et al.</i>	Kennedy Hodges, LLP
17-cv-3914-JNE-DTS	<i>Renfro v. 3M Co., et al.</i>	Kennedy Hodges, LLP
17-cv-4214-JNE-DTS	<i>Ray v. 3M Co., et al.</i>	Kennedy Hodges, LLP
17-cv-4288-JNE-DTS	<i>Burch v. 3M Co., et al.</i>	Loncar & Associates
17-cv-5274-JNE-DTS	<i>Capone v. 3M Co., et al.</i>	Bernstein Liebhard LLP
18-cv-0515-JNE-DTS	<i>Kappmeyer v. 3M Co., et al.</i>	Kirtland and Packard LLP
18-cv-0525-JNE-DTS	<i>Syler v. 3M Co., et al.</i>	Kennedy Hodges, LLP
18-cv-0776-JNE-DTS	<i>Dollard v. 3M Co., et al.</i>	Justinian & Associates PLLC

18-cv-0833-JNE-DTS	<i>Beard et al. v. 3M Co., et al.</i>	Brown & Crouppen, P.C.
18-cv-1571-JNE-DTS	<i>Gohl v. 3M Co., et al.</i>	Jones Ward PLC
18-cv-1712-JNE-DTS	<i>Sahr v. 3M Co., et al.</i>	Kennedy Hodges, LLP
18-cv-2289-JNE-DTS	<i>Hiser v. 3M Co., et al.</i>	Kennedy Hodges, LLP

As set forth in the Memorandum in Support of Defendants' Sixth Motion to Dismiss Cases for Failure to Comply with Pretrial Order No. 23 and/or Fed. R. Civ. P. 25(a) and 41(b), the above-referenced 25 matters have failed to meet the requirements of this Court's Order and the federal rules, and dismissal is appropriate.

Dated: February 7, 2019

Respectfully submitted,

s/Benjamin W. Hulse

Jerry W. Blackwell (MN #186867)

Benjamin W. Hulse (MN #0390952)

Mary S. Young (MN #0392781)

BLACKWELL BURKE P.A.

431 South Seventh Street, Suite 2500

Minneapolis, MN 55415

Phone: (612) 343-3200

Fax: (612) 343-3205

Email: blackwell@blackwellburke.com

bhulse@blackwellburke.com

myoung@blackwellburke.com

***Counsel for Defendants 3M Company
and Arizant Healthcare Inc.***